

REMARKS/ARGUMENTS

Claims 1-27 remain pending in the application. The claims were rejected in the Office Action dated August 25, 2006. Applicant respectfully traverses the rejections and requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1-3 and 5-27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,920,329 to Kennedy et al. (hereinafter Kennedy) in view of U.S. Patent No. 6,445,917 to Bark et al. (hereinafter Bark). Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kennedy in view of Bark and U.S. Patent Application Publication No. 20020039905 to Remy (hereinafter Remy).

Kennedy describes a method of determining where to place position location equipment within a wireless system. *See, Kennedy*, at Col. 1, ll. 24-29 (“[Kennedy] is directed to the selection and positioning of mobile-appliance location determining sensors in a wireless communication network. The disclosure assists in the pre-installation design of a mobile-appliance location determining system which utilizes a network infrastructure overlay location approach.”).

Kennedy does not describe a manner of determining position location or a manner of determining an identity of a transmitter. Instead, Kennedy determines where to place location determining sensors when designing a communication system. *See, id.*, at Col. 2, ll. 51-54. Kennedy describes “defining a set of points that span the coverage area in grid-like fashion having separations between spanning points on the order of 100-500 meters.” *Id.*, at Col. 4, ll. 38-41. For each point in the grid, “estimates of the *transmit power of the mobile-appliance* are made.” *Id.*, at Col. 4, ll. 35-38 (*emphasis added*).

Kennedy states: “The received signal strength is estimated 230 for each of the base stations in the vicinity of the mobile-appliance for each of the spanning points in the coverage area based on the estimated propagation characteristics, the estimated mobile transmit power and the base station capabilities.” *Id.*, at Col. 4, ll. 54-58.

Kennedy describes a conventional wireless communication system having a mobile-appliance communicating with multiple base stations. *See, id.*, at FIGURE 1. However, Kennedy fails to describe determining a transmitter for each of a plurality of received signals. The portion of Kennedy cited by the Examiner (Col. 4, ll. 20-24) describes determining capabilities of each of the base stations in a system. The cited portion fails to describe

receiving signals from a plurality of base stations. Additionally, the cited portion describes determining base station characteristics from known base stations and fails to describe determining a transmitter. Claim 1 recites particular features for determining a transmitter for each received signal and the Examiner concedes that Kennedy fails to describe every claimed feature.

In particular, Kennedy fails to teach or suggest obtaining predicted power for each candidate transmitter. The Examiner cites to Kennedy, at Col. 4, ll. 54-57. However, it is clear that Kennedy describes a received signal strength that is estimated based on “the estimated *mobile transmit power*.” *Id.*, at Col. 4, line 57. Thus, the cited portion does not describe predicted power from a transmitter, as alleged by the Examiner, but instead, describes how the signal strength *at the base station* is estimated. This signal strength is based on the mobile transmit power. Indeed, Kennedy devotes a lengthy discussion to how the signal strength varies based on mobile transmit power and how the mobile transmit power affects location accuracy. *See, id.*, at Col. 4, ll. 36-52.

Furthermore, the Examiner concedes that Kennedy fails to describe identifying a transmitter based on predicted powers and measured power for the received signals. *See, Office Action*, dated August 25, 2006, at page 2. However, the Examiner contends that this feature is described in Bark, at Col. 6, ll. 58-66 and Col. 7, ll. 2-4. The cited portion of Bark is reproduced below, in its entirety.

FIG. 2 outlines in flowchart format example procedures for event-based reporting of mobile station measurements (block 40). The mobile station measures one or more radio-related parameters for one or more cells (block 42). One non-limiting example parameter is the received signal strength of base station broadcast channel signals from current and neighboring cells. The mobile station evaluates each measured parameter with respect to a predetermined event or condition (block 44). Based on that evaluation, e.g., the predetermined event occurs and/or the predetermined condition is satisfied, the mobile station sends a report to the radio network (block 46). The contents of that report may include more or less information as established by the radio network operator. For example, the report may simply contain the identification of the cell and identification of the event that occurred.

The cited portion of Bark fails to describe “identifying the transmitter for the received signal based on predicted powers for the candidate transmitters and measured power for the received signal,” as claimed. The cited portion of Bank fails to describe predicted power, and fails to describe identifying a transmitter based on predicted power. Instead, Bank describes an example in which the received signal strength of a base station is monitored, and

the mobile station sends a report if a predetermined event occurs. There is nothing in the cited portion that teaches or suggests that the mobile station uses predicted powers or that the mobile station identifies a base station based on predicted powers and measured received power.

The Examiner fails to establish a prima facie case of obviousness of claim 1, in part, because the cited references, whether alone or in combination, fails to teach or suggest every claimed feature. The Examiner concedes that Kennedy fails to teach or suggest “identifying the transmitter for the received signal based on predicted powers for the candidate transmitters and measured power for the received signal.” Applicant’s discussion demonstrates that Bark also fails to teach or suggest the feature absent from Kennedy. Therefore, the combination of Kennedy with Bark cannot teach or suggest a feature that is absent from each reference individually. Applicant respectfully requests reconsideration and allowance of claim 1.

**Claims 13, 19, and 27** include features similar to those discussed above in relation to claim 1. In particular, claim 13 includes “determining the transmitter for the received signal based on predicted powers for the candidate transmitters, the predicted power for the identified transmitter, measured power of the received signal, and measured power for the identified transmitter.” Claim 19 includes “means for identifying the transmitter for each received signal based on measured power for the received signal and predicted powers for the candidate transmitters in the list determined for the received signal.” Similarly, claim 27 includes “code for identifying the transmitter for each received signal based on measured power for the received signal and predicted powers for the candidate transmitters in the list determined for the received signal.”

Each of claims 13, 19, and 27 is believed to be allowable at least for the reason presented above in relation to claim 1. Applicant respectfully requests reconsideration and allowance of claims 13, 19, and 27.

**Claims 2-12, 14-18, and 20-26** depend from one of independent claims 1, 13, or 19 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 2-12, 14-18, and 20-26.

Applicant believes that all claims pending in the application are allowable. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the

Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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